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November 19, 2024

VIA E.C.F.

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ferera v. the City of New York, et al.
24-CV-3911 (AT) (OTW)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney representing the City of New York and Ofc. Vegamoraes in the above captioned matter.¹ Defendants write to respectfully request a stay of discovery and an adjournment of the deadline to file the joint proposed Case Management Plan. This is Defendants' first request for a stay. Plaintiff consents to the instant request.

By way of background, Plaintiff filed the complaint on May 21, 2024. ECF No. 1. On September 27, 2024, Plaintiff filed an Amended Complaint. ECF No. 20. Plaintiff alleges that he was improperly arrested due to a false allegation that he had assaulted a hair stylist and that in the process of his arrest, NYPD officers used excessive force when they pointed a gun at Plaintiff. Plaintiff also alleges an Equal Protection violation related to the pointing of the gun at him. The City of New York filed an extension of time to answer which was granted by the Court. ECF No. 29, 30. Defendants' answers are currently due November 25, 2024. Prior to the Amended Complaint, the parties were ordered to submit a joint letter and jointly proposed Case Management Plan and Scheudlign Order by November 19, 2024. ECF No. 5.

This request is being made because the parties are still in the process of complying with your Honor's Individual Rule II.B regarding Motions to Dismiss. Defendants sent their first Pre-Motion Letter to Plaintiff on November 14, 2024. Defendants received Plaintiff's response to their Pre-Motion Letter today, November 19, 2024, and need time in order to determine whether they will move forward with their Motion to Dismiss Plaintiff's Amended Complaint. The proposed

¹ The Corporation Counsel is still in the process of determining representation for Defendant officers Rocelio Florian, Luis Rivera, and Steven Martinez.

stay and adjournment of the Case Management Plan will allow the parties to fully comply with Your Honor's rules.

Further, should Defendants move forward with their Motion to Dismiss, the parties will engage in motion practice. There is a possibility that Defendants will be successful in dismissing some, if not all, claims through their Motion to Dismiss and thus the field of discovery will narrow. In an effort to save the parties' and the Court's resources, Defendants request a stay of discovery and adjournment of the Case Management Plan until motion practice has been completed.

Accordingly, Defendants respectfully request a stay of discovery and an adjournment of the Case Management Plan to a later date after motion practice has been completed, as well as an adjournment of all relevant deadlines.

Defendants thank the Court for its time and consideration herein.

Respectfully submitted,

/s/ Elissa B. Jacobs

Elissa Jacobs

Senior Counsel

GRANTED IN PART AND DENIED IN PART. Defendants' request for a stay of discovery and an adjournment of all relevant deadlines is DENIED. By **December 4, 2024**, the parties shall submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order in accordance with the Court's Order at ECF No. 5.

SO ORDERED.

Dated: November 20, 2024
New York, New York



ANALISA TORRES
United States District Judge